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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL -7 PM 12:31

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

David Alan SWEIGART,

Defendant.

Magistrate Case No. 08 MJ 2064COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

08 MJ 2064

The undersigned complainant being duly sworn states:

On or about **July 3, 2008**, within the Southern District of California, **David Alan SWEIGART (Defendant)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Maria Juana RANGEL-Fuerte**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 7th day of **July, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Liliana De Anda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Maria Juana RANGEL-Fuerte** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 3rd, 2008, at approximately 22:53 PM, **David Alan SWEIGART (Defendant)** made application for admission into the United States from Mexico at the Otay Mesa Port of Entry. Defendant was the driver and sole visible occupant of a stolen 2001 Dodge Intrepid bearing California license plates at vehicle lane number six. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented a valid California Identification Card bearing his name and photo. Defendant told the CBP Officer he was not bringing anything from Mexico, he had bought the vehicle three days ago at an auction, and stated he was going home to El Cajon, California. The CBP Officer conducted a cursory inspection of the vehicle and noticed a space discrepancy behind the rear seat and extending into the trunk. Upon pushing on the rear seat of the vehicle, the CBP Officer noticed it felt solid. The CBP Officer requested assistance from other Officers and responded. A CBP Officer noticed the rear seat did not have any cushion. The CBP Officer pulled the rear seat rest and discovered what appeared to be human being. Vehicle and occupants were escorted to the secondary inspection.

In the secondary, CBP Officers removed the bottom seat cushion, lifted the rear seat rest from the bottom, and the CBP Officers assisted an adult female in exiting the compartment. The female was determined to be a citizen and national of Mexico with no entitlements to enter the United States and is now identified as **Maria Juana RANGEL-Fuerte (Material Witness)**.


During a videotaped interview Defendant was advised of his Miranda rights. Defendant ~~acknowledged his rights and elected to answer questions without an attorney present.~~ Defendant admitted he was to be paid \$300.00 USD to drive the vehicle into the United States. Defendant admitted he believed he was smuggling an alien concealed in the rear seat. Defendant admitted he was to deliver the vehicle to the trolley station on H St. in Chula Vista, California.

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Continuation of Probable Cause Statement
RE: David Alan SWEIGART

A videotaped interview was conducted with the Material Witness. Material Witness admitted she is a citizen of Mexico with no documents to lawfully enter the United States. Material Witness stated she made arrangements with an unknown male in Mexico to be smuggled into the United States. Material Witness stated she was to pay a \$4,500.00 USD smuggling fee upon arrival to Oxnard, California.

Executed on this 4th day of July 2008 at 9:45 AM.



Liliana De Anda CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 2 pages, I find probable cause to believe that the defendant named therein committed the offense on July 3rd, 2008 in violation of Title 8, United States Code, Section 1324.



MAGISTRATE JUDGE

7/4/08, 1214hrs

DATE / TIME